



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE June 2, 2006 LOCAL EFFECTIVE DATE June 16, 2006 APPROX FINAL EFFECTIVE DATE July 7, 2006	CONTACT/PHONE Ryan Hostetter, Planner (805) 788-2351	APPLICANT Tim and Gena McAlpine	FILE NO. DRC2005-00190
SUBJECT Request by Tim and Gena McAlpine for a Minor Use Permit/Coastal Development Permit to allow the construction of a new single story detached guesthouse with attached workshop which will total approximately 858 square feet. The project will result in a site total of 2,849 square feet of footprint and 3,075 square feet of gross structural area. The project will result in the disturbance of approximately 1,386 square feet of a 14,074 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1445 Haddon Drive in the community of Cambria. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2005-00190 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on May 3, 2006 (ED05-429).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Terrestrial Habitat and Local Coastal Program	ASSESSOR PARCEL NUMBER 023-401-006	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Setbacks, Height, Footprint and Gross Structural Area Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Terrestrial Habitat, Guesthouse, and Workshop/Studio Limitations <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Residential	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family <i>East:</i> Residential Single Family <i>South:</i> Residential Single Family <i>West:</i> Residential Single Family	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District, and the California Coastal Commission	
TOPOGRAPHY: Moderately sloping	VEGETATION: Grasses, forbs, Monterey Pines, Coast Live Oaks
PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire	ACCEPTANCE DATE: May 1, 2006

PLANNING AREA STANDARDS:

Lot Size: 14,074 square feet

Triple, Forested

Oversized lot adjustment: 2.68

Slope: approx 9 percent
 Number of trees to be removed: 0

PROJECT REVIEW	ALLOWABLE	EXISTING	PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	1200 x 2.68 = 3216	1727	2849	OK
GSA (SQUARE FEET)	2400 x 2.68 = 6432	2217	3075	OK
DECKS (SQUARE FEET)				
PERVIOUS	964.8	222	486	OK
IMPERVIOUS	321.6	0	0	OK
HEIGHT (FEET)	28	28	16'	OK
SETBACKS (FEET)				
FRONT	10'	10'	10'	OK
REAR	15'	15'	3'	OK – 3' rear for existing home, no work being done on this structure
SIDE	5'	5'	15'	OK
STREET SIDE	10'	10'	10'	OK-existing home legal non-conforming @ 5'

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.032 (e) contains development requirements for guesthouses. Guesthouses may contain living area, a maximum of two

bedrooms and one bathroom. A living area may include a wet bar, but such facility shall be limited to a single sink and an under-counter refrigerator, and shall not be located in a separate room. A guesthouse shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental. The guesthouse shall not be located more than 50 feet from the principal residence (unless another distance is approved with a Minor Use Permit) and the maximum floor area is 40 percent of the habitable floor area of the main residence up to a maximum of 600 square feet. *The project meets these requirements, and the applicant is requesting the distance between the guesthouse and the primary dwelling be approximately 80' with this Minor Use Permit. Staff recommends approval of this extra distance as there will be no tree removal in the proposed location, and moving the guesthouse closer may require tree removal.*

Coastal Zone Land Use Ordinance Section 23.08.032 (g) contains development requirements for workshops and/or studios. A workshop or studio is an accessory structure intended solely or primarily for engaging in artwork, crafts, light hand manufacturing, mechanical work etc. The workshop/studio may be constructed or used for strictly non-commercial hobbies or amusements. The workshop must occupy no more than 40 percent of the floor area of the principal structure. *The proposed shop space attached to the guesthouse is 240 square feet, which is less than 40 percent of the principal structure (the principal structure is 2,217 square feet). The project complies with these requirements.*

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies. The most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. Adequate public service capacities are available to serve the proposed development. See confirmation of water and sewer availability dated March 3, 2006 in file.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Single Family category.

Policy 8: Timing of new construction: The proposed project is consistent with this policy, because if grading is to occur or left unfinished between October 15 through April 15, the project is required to have an erosion and sedimentation control plan, and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows that the construction of the new residence will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat,

and tree removal and site disturbance have been minimized. No trees are proposed to be removed.

Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats, and proposed development will be consistent with the biological continuance of the habitat.

Policy 3: Habitat Restoration: The proposed project is consistent with this policy because no trees are proposed to be removed.

Policy 27: Protection of Terrestrial Habitats: The proposed project is consistent with this policy because not allowing a single family residence or residential accessory uses (principally permitted uses in the Residential Single Family land use category) could potentially constitute a taking under the 5th Amendment of the US Constitution. Therefore, allowing a single family residence or residential accessory use to be developed on the property is considered to be a reasonable use of the land (pursuant to Section 30010 of the Coastal Act).

Policy 28: Protection of Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized. No trees are proposed to be removed.

Policy 33: Protection of Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design. No trees are proposed to be removed.

Visual and Scenic Resources:

Policy 7: Preservation of Trees and Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design. No trees are proposed to be removed.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: No comment received as of May 3, 2006

AGENCY REVIEW:

Public Works – Drainage plan required.

Cambria Community Services District – No comment, has already met requirements of CCSD.

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots. Cambria Pines Manor Unit 3.

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15301 because the project is a new guesthouse with attached workshop in a residential zone on slopes less than 10% with no habitat removal.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use, and as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Terrestrial Habitat

- H. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because no trees will be removed.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.
- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not

create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized, and no trees will be removed.

- K. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- L. There will be no significant negative impact to the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because the project will not result in tree removal.
- M. The project or use will not significantly disrupt the habitat, because it is a garage with guesthouse with minimal site disturbance.

EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the construction of a new single story detached guesthouse with attached workshop which will total approximately 858 square feet. The project will result in a site total of 2,849 square feet of footprint (includes existing 1,727 square foot home and garage) and 3,075 square feet of gross structural area. The project will result in the disturbance of approximately 1,386 square feet of a 14,074 square foot parcel.

Conditions to be completed prior to issuance of a construction or grading permit

2. **Prior to issuance of construction permits**, the applicant shall submit construction drawings consistent with the revised Site Plan, Floor Plans, and Elevations.

Grading, Drainage, Sedimentation and Erosion Control

3. **Prior to issuance of construction permits**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
4. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Fire Safety

5. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.

Landscape Plan

6. **Prior to issuance of construction permit**, the applicant shall submit for Planning Director review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.

Miscellaneous

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
8. **Prior to issuance of a construction permit**, the applicant shall enter into an agreement with the County of San Luis Obispo, in a form acceptable to County Counsel, which will require the project site which includes lots 23, 24, 25, 1, 2, & 3 of block 40 Cambria Pines Manor Unit no. 3 to be used as a single site.

Conditions applicable throughout project construction

Building Height

9. The maximum height of the project is approximately 16 feet from average natural grade.

Grading, Drainage, Sedimentation and Erosion Control

10. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
11. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
12. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
13. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
14. All areas disturbed by grading activities shall be re-vegetated with temporary or permanent erosion control devices in place.

Cambria Community Services District

15. Existing water fixtures shall be retrofitted to current standards under District Ordinance 3-88 as amended.
16. The owners shall provide the District with a copy of county building permit issued for this project.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Fire Safety

17. **Prior to occupancy or final inspection, which ever occurs first**, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

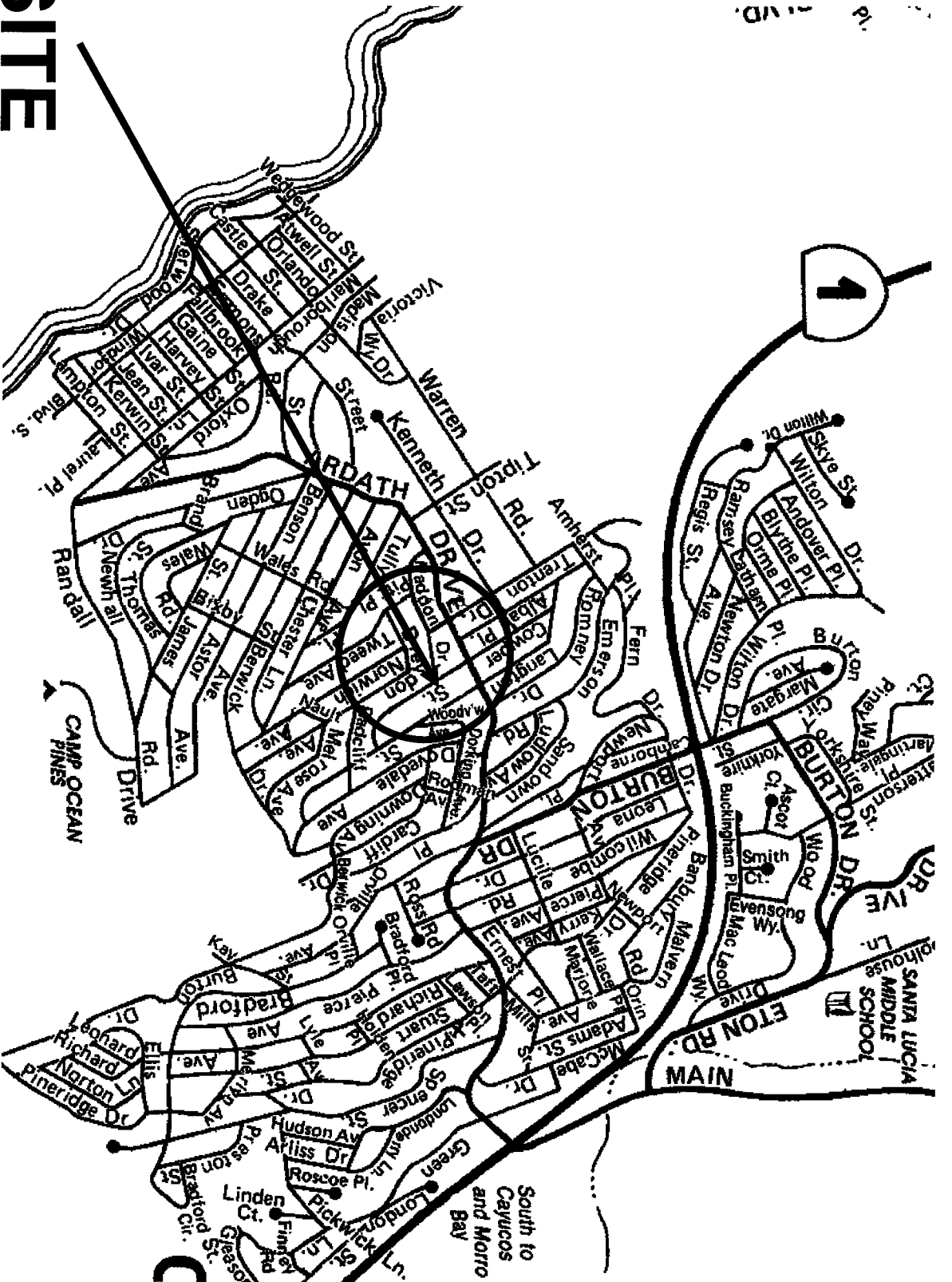
Cambria Community Services District

18. Applicant shall submit for final plumbing inspection upon completion of the project.

Miscellaneous

19. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
20. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').
21. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

SITE



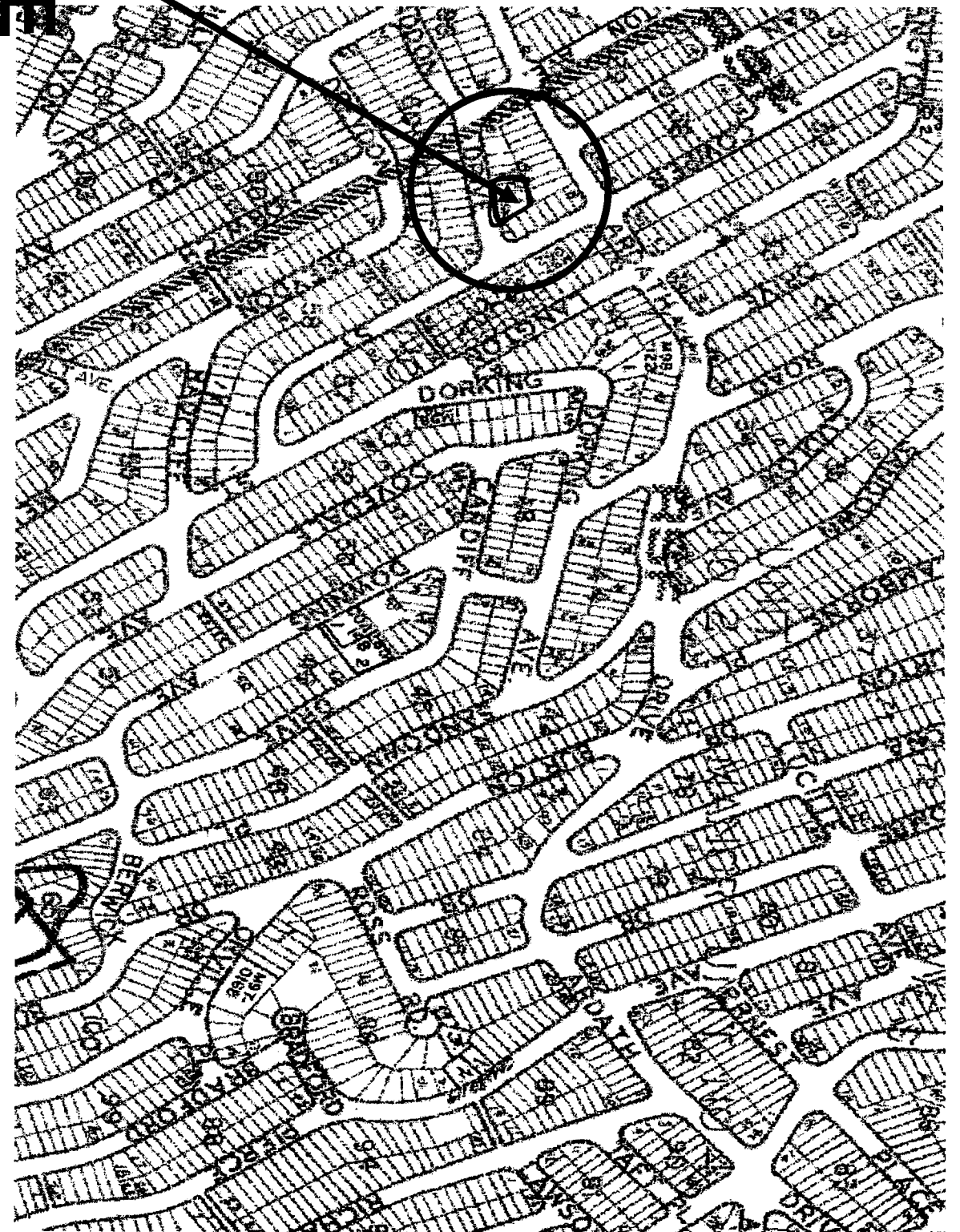
PROJECT

Minor Use Permit
McAlpine DRC2005-00190



EXHIBIT

Vicinity Map



SITE

PROJECT

Minor Use Permit
McAlpine DRC2005-00190



EXHIBIT

Land Use Permit



SITE

PROJECT

Minor Use Permit
McAlpine DRC2005-00190



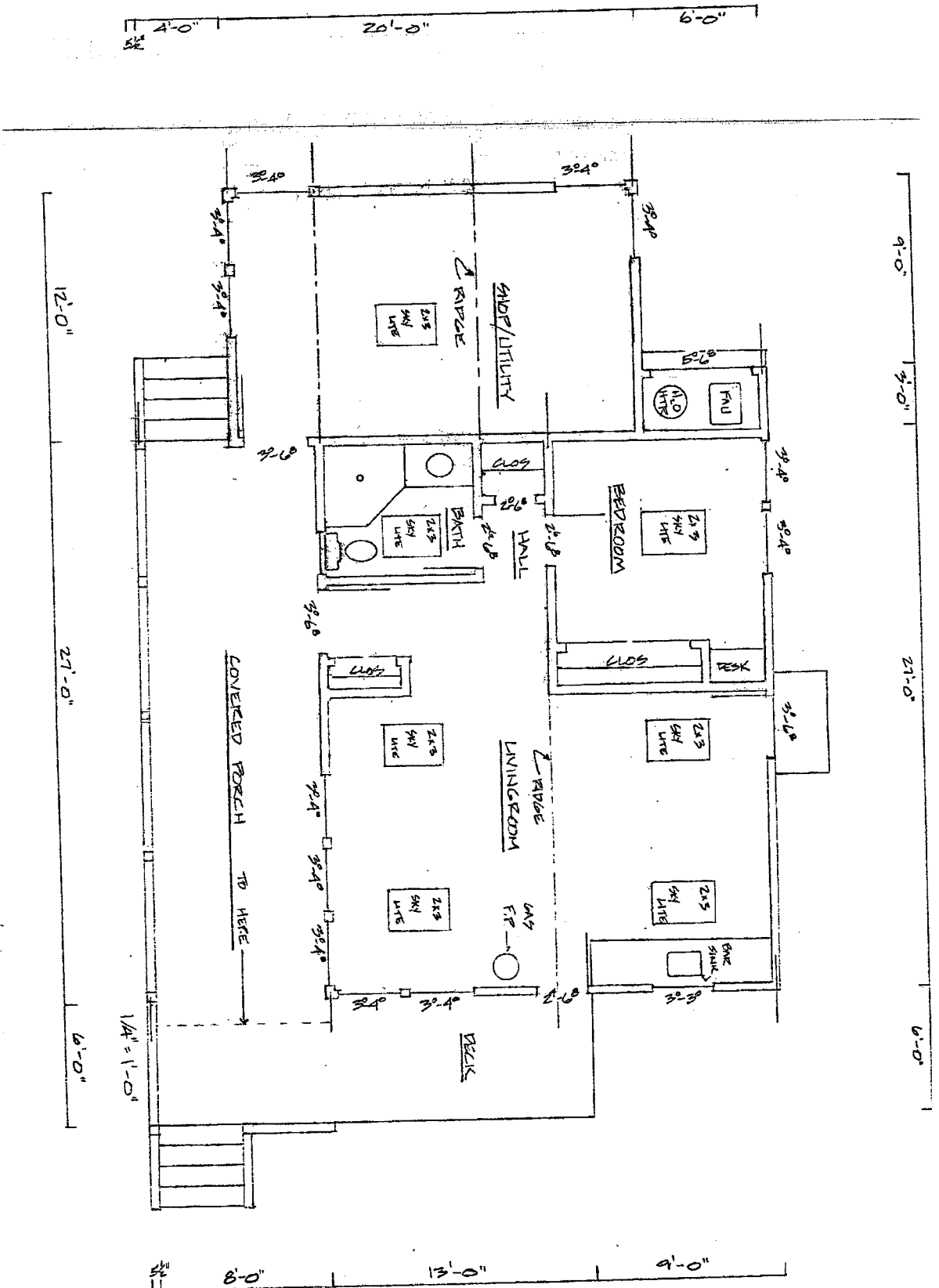
EXHIBIT

Aerial

NOTE: SITE 15 LOTS 23, 24, 25, 26, 1, 2, 3

28
Guster^W
oaks





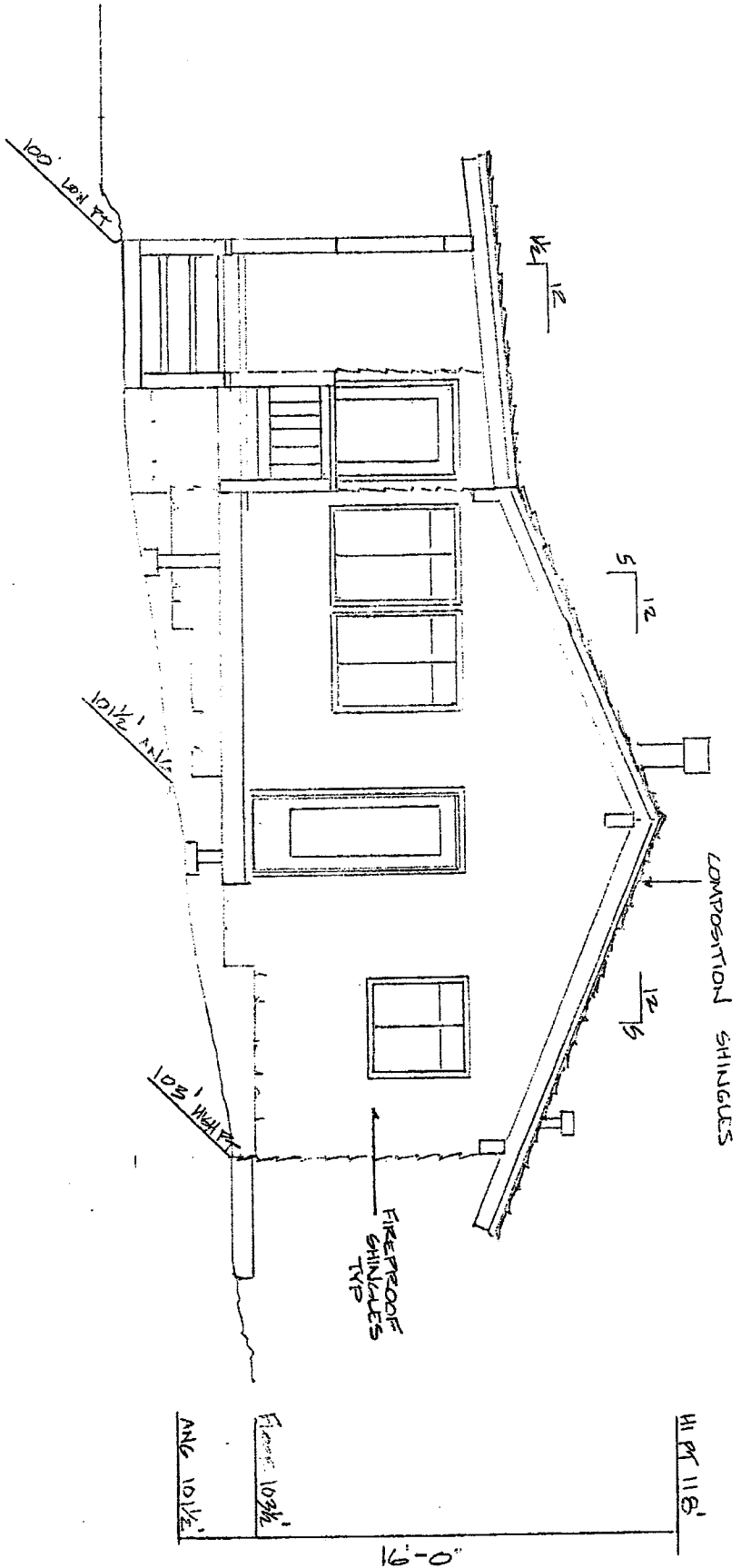
PROJECT

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EXHIBIT

Floor Plan



RIGHT 14'-1 1/2"

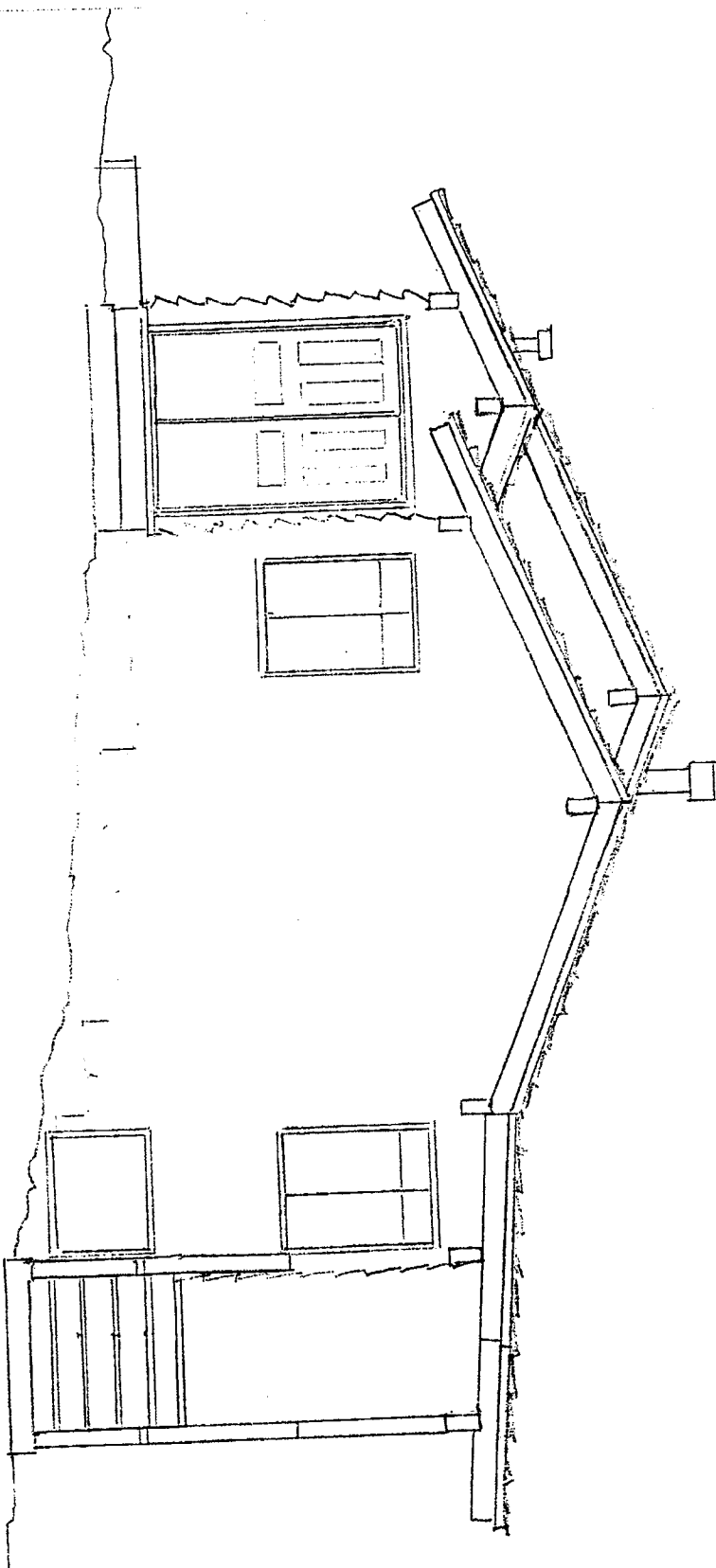
PROJECT

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EXHIBIT

Elevation



LEFT

1/4" = 1'-0"



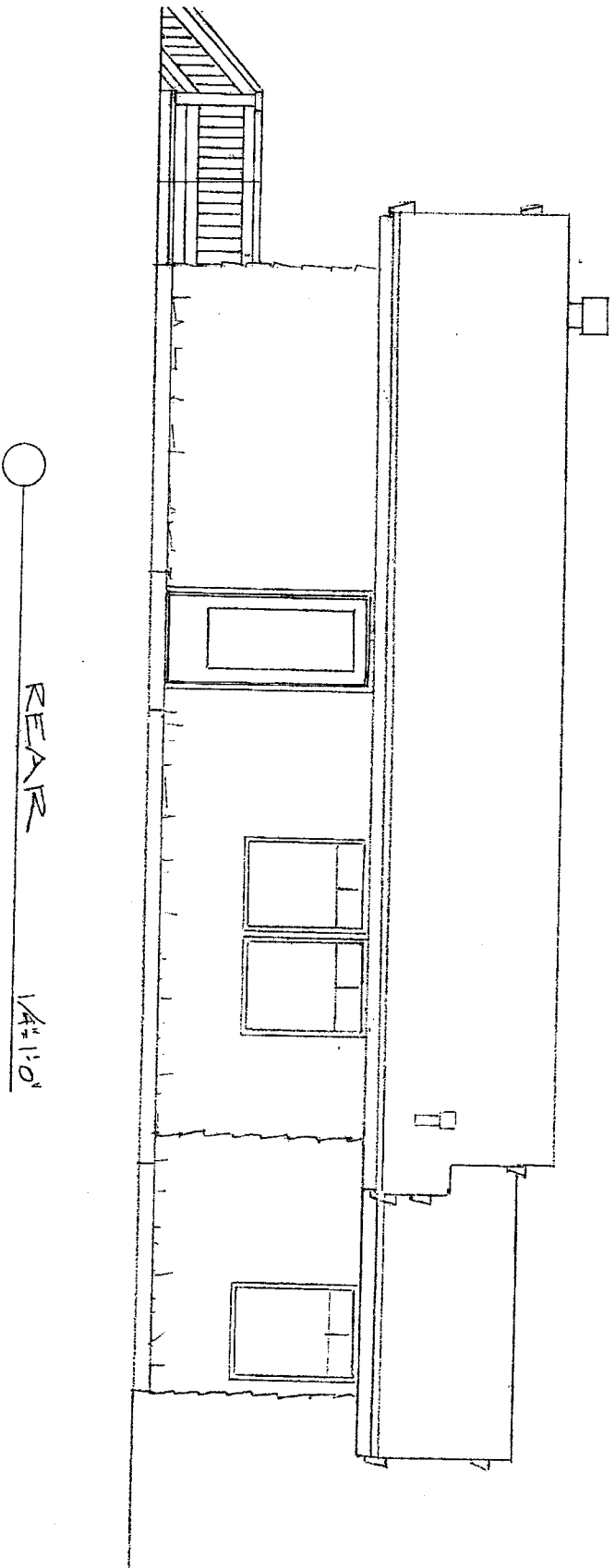
PROJECT

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EXHIBIT

Elevation





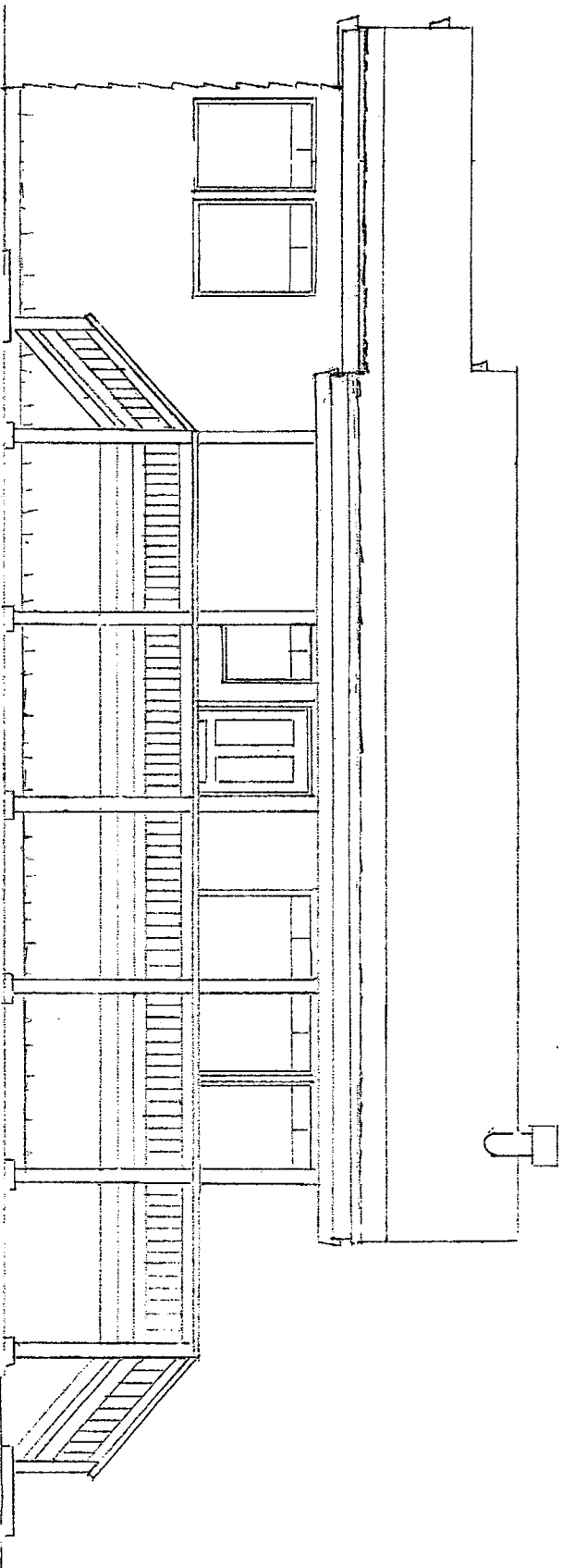
PROJECT

Minor Use Permit
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EXHIBIT

Elevation



FRONT

PROJECT

Minor Use Permit
McAlpine DRC2005-00190



EXHIBIT

Elevation